

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 14, 2025

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Kimberlee S. Kyles

Case Number: 0980 2:22CR00133-TOR-14

Address of Offender: [REDACTED], Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: March 27, 2024

Original Offense: Unlawful Access to Stored Communications, 18 U.S.C. § 2701(a)(1), (b)(2)(A)

Original Sentence: Probation - 24 Months

Type of Supervision: Probation

Asst. U.S. Attorney: Daniel Hugo Fruchter

Date Supervision Commenced: March 27, 2024

Defense Attorney: Joel Anand Baumann

Date Supervision Expires: March 26, 2026

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 09/13/2024.

On April 1, 2024, Ms. Kimberlee Kyles signed her conditions relative to case number 2:22CR00133-TOR-14, indicating she understood all conditions as ordered by the Court.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
3	<u>Mandatory Condition #3:</u> You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
4	<u>Special Condition #8:</u> You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from all alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.
	<u>Supporting Evidence:</u> Ms. Kyles is alleged to have violated mandatory condition number 3 and special condition number 8 by ingesting both methamphetamine and alcohol, previously occurring on or about January 4, 2025, based on both urinalysis testing and her own admission of such use.

Specifically, on January 9, 2025, Ms. Kyles reported to the U.S. Probation Office in Spokane for the purpose of urinalysis testing. She submitted to urinalysis testing as directed, and the

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sample tested presumptive positive for methamphetamine. When confronted as to the test result by the testing officer, Ms. Kyles denied any use of the substance. The sample was packaged and forwarded for laboratory verification based on Ms. Kyles' denial.

Ms. Kyles then met with the undersigned officer and maintained her position of continued sobriety. Ms. Kyles was advised that should the submitted urinalysis sample return confirmed positive for methamphetamine from the laboratory that she would be severely limiting the undersigned officer's ability to assist her while on probation. Ms. Kyles then admitted to drinking two Modelo beers on January 4, 2025, while with family, which she stated then contributed to her use of methamphetamine on that same date.

Ms. Kyles did sign a use admission form, serving to document her use of both alcohol and methamphetamine, previously occurring on or about January 4, 2025.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 13, 2025

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice

United States District Judge

January 14, 2025

Date